HON'BLE SRI JUSTICE J. CHELAMESWAR
AND
HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION Nos.13979 and 14016 of 2006

Date: 17-07-2006

W.P.No.13979 of 2006 :

Between:

M/s. Challa Balaji,
Balaji Nagar, Nellore,
Rep.by its Proprietor
Sri Challa Balaji.

…Petitioner.

And

Commercial Tax Officer No.1,
Nellore and others.

… Respondents.

W.P.No.14016 of 2006 :

Between:

M/s. Challa Balaji,
Balaji Nagar, Nellore,
Rep.by its Proprietor
Sri Challa Balaji.

…Petitioner.

And

Commercial Tax Officer No.1,
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… Respondents.

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COMMON ORDER : (Per Hon'ble Sri Justice J. Chelameswar)

The petitioner is a registered dealer under the provisions of the A.P. General Sales Tax Act (for brevity 'the Act') with the first respondent, carrying on the business of executing Works Contract. For the Assessment Year 2000-2001 and 2001-2002 the petitioner's liability for sales tax under the above mentioned Act came to be assessed by the first respondent herein. Being not satisfied with the assessments made by the first respondent, the second respondent herein, revised the assessment of the petitioner with reference to the above mentioned two years in exercise of the powers under Section 20 of the Act and came to the conclusion that the petitioner is liable to pay higher amount of tax than the one decided by the first respondent. Challenging the conclusion of the second respondent, the petitioner carried the matters in appeal to the Sales Tax Appellate Tribunal, the third respondent herein, and during the pendency of the appeal, the petitioner sought stay of recovery of the tax. The third respondent, by his proceedings dated 20-6-2006 rejected the two stay applications filed by the petitioner. Hence these two writ petitions.

Heard learned counsel for the petitioner and the learned

Government Pleader for Commercial Taxes.

Apart from all other reasons, one fact required to be stated here is, the second respondent, while proposing the revised assessment orders of the petitioner in his show cause notice, indicated certain amount of turnover on the basis of which the second respondent proposed to revise the tax liability of the petitioner. However, when the revisional proceedings were concluded, the second respondent relied upon the higher amount of turnover than the one indicated in the show cause notice. Even according to the learned Government Pleader, the total amount of tax due pursuant to the revisional order of the second respondent with reference to the above mentioned two years is about Rs.13-00 Lakhs for both the years. Of the above mentioned amount, admittedly, an amount of Rs.4-00 Lakhs is paid.

In the circumstances, we are of the opinion that the writ petition can be disposed of at the admission stage directing the respondents not to take any coercive steps for recovery of the tax due from the petitioner with reference to the above mentioned assessment years on condition of the petitioner deposits an amount of Rs.2-00 Lakhs (Rupees two lakhs only) with the respondents, within a period of four (4) weeks from today.

The writ petitions are accordingly disposed of.

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(J. CHELAMESWAR, J)

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(D.APPA RAO, J)

17-07-2006.
Msr.

HON'BLE SRI JUSTICE J.CHELAMESWAR
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(Msr)